



BY-LAWS

OF THE

MUNICIPAL COUNCIL,

OF THE

District of Colborne.

~~~~~  
**PASSED AT THE THIRD SESSION, FIRST YEAR.**

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PETERBORO.

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BY-LAWS.

PASSED THE THIRD SESSION—FIRST YEAR.

CHAPTER XVI.

A BY-LAW to provide for the filling up of Vacancies in Township Officers where they occur from Death, Removal, or otherwise; and for the Appropriation of Road Monies in the several Townships in the Colborne District.

WHEREAS it is necessary and expedient to provide for transferring the powers, now by Law, vested in the Justices for appointing Township Officers in cases where vacancies occur from Death, Removal or otherwise, and the appropriation of Road Monies.

Be it therefore enacted by the Municipal Council of the District of Colborne, and by the authority of the same that from and after the passing of this By-Law, all the powers now vested in the Justices of the Peace for filling up vacancies of Township Officers, occasioned by Death, Removal, or otherwise, and the appropriation of Road Monies, be hereafter exercised and performed by the Councillor or Councillors of the several Townships, respectively associated with a Magistrate if there is any resident therein.

And be it further enacted, by the authority aforesaid, that any Township not containing the requisite number of inhabitants, or from other cause, not returning a Councillor to this District Council, shall be under the control of the Councillor or Councillors of the next adjoining Township, having the fewer number of inhabitants, associated with a Magistrate as aforesaid.

And be it further enacted, that all persons qualified, and being so appointed to fill said vacancies, shall subscribe the Declaration in the Township Clerk's Book, within ten days after the appointment so made, shall have the same powers, and be liable to the same responsibilities as if they had been appointed at the Township Meeting.

And be it further enacted, that all persons appointed as hereinbefore provided who shall neglect or refuse to perform all, or any part of the duties of their office, shall be subject to all the fines and penalties now pointed out by law.

G. ARUNDEL HILL, Warden,

CHAPTER XVII.

A BY-LAW to amend a By-Law passed during last Session, entitled a "By-Law to Authorize a Loan to be raised in such manner as therein mentioned."

WHEREAS, by a By-Law passed during last Session, after reciting that it was expedient and necessary to raise a Loan of Seven Hundred Pounds, for the use of this District, upon the security of the General Funds of the same, it was enacted that it should and might be lawful for the Treasurer of this District to treat with any person or persons for the raising a loan on the Credit of the General Funds of this District, for so many and such sums not less than One Hundred Pounds each, as should not exceed in the whole the said sum of Seven Hundred Pounds, upon interest not exceeding Six Pounds per centum, per annum, and upon the condition that the Principal should be redeemed at the expiration of Three Years.

And Whereas, it is expedient to alter the amounts for which such debentures shall, or may be given, from One Hundred Pounds to Five Pounds.

Be it therefore enacted, that it shall and may be lawful for the Treasurer of this District to treat with any person or persons for the raising by Loan, on the Credit of the General Funds of this District, so many and such sums of not less than Five Pounds each, as shall not exceed in the whole the said sum of Seven Hundred Pounds, at such interest and upon the same conditions, in every respect, as is in the said hereinbefore, in part, recited By-Law mentioned.

G. ARUNDEL HILL, *Warden.*

CHAPTER XVIII

A BY-LAW for the Preservation of certain Bridges in the District of Colborne.

WHEREAS it is expedient and necessary, for the preservation of the Bridges across the River Otonabee at Peterboro, Pigeon Creek at Williamstown in Emily, the Scugog at Lindsay in Ops and the Trent in Asphodel, and the Bridges at Keene in Otonabee, Eastland's, Clay's and Moffatt's on the road leading from Peterboro to Port Hope, to impose such fines as are hereinafter mentioned.

Be it therefore enacted by the authority of the Municipal Council of the District of Colborne, that from and after the passing of this By-Law, the owner or owners of any Horse, Mare, Gelding, Oxen or other cattle that shall be ridden or driven over either of the said Bridges, or any part of them, at any pace other than a walk, or the person or persons riding or driving the same shall be liable to a fine for every such offence of not less than one shilling or more than twenty shillings, to be recovered with costs, in such manner as is provided for by the 55th section of an act entitled an act for the better internal Government of that part of this Province which

formerly constituted the Province of Upper Canada by the establishment of Local or Municipal Authorities therein.

Provided always that the above mentioned fines shall not be recovered unless a legible notice of such fines shall have been put up in some conspicuous place adjoining each of the above mentioned Bridges.

And be it further enacted by the authority aforesaid that the overseer of highways for or adjoining the division in which any of the above mentioned Bridges are situated shall defray the expense of putting up the above mentioned Notice out of any funds in his hands arising from the Commutation of Statute Labor.

G. ARUNDEL HILL, *Warden.*

CHAPTER XIX.

A BY-LAW to authorize a road through Verulam and Fenelon to the Fenelon Falls road.

CHAPTER XX.

A BY-LAW for raising a sum of money to assist in the erection of a Bridge at Fenelon Falls.

CHAPTER XXI.

A BY-LAW to establish certain Roads in Emily.

CHAPTER XXII.

A BY-LAW to establish a Road from Bobcaygean to Cowan's Bridge in Emily, &c.

CHAPTER XXIII.

A BY-LAW to establish a Road in Verulam.

CHAPTER XXIV.

A BY-LAW to establish a Road through Fenelon to Sturgeon Lake.

CHAPTER XXV.

A BY-LAW to establish a Road in Verulam to Sturgeon Lake.

CHAPTER XXVI.

A BY-LAW to establish New Lines of Road in the Township of Otterabee.

CHAPTER XXVII.

A BY-LAW to establish a Road through part of Lot No. 1, in the 3d Concession of Verulam.

CHAPTER XXVIII.

AN ACT regarding a Road in the 7th Concession of Smith.

CHAPTER XXIX.

A BY-LAW to establish a Road from Bobcaygean to David Armstrong's in Emily.

CHAPTER XXX.

A BY-LAW regarding certain Roads in Ops.

CHAPTER XXXI.

A BY-LAW to establish a Road through Lots 16 and 17 in the 3d Concession of Eldon.

CHAPTER XXXII.

AN ACT to establish a Road in Fenelon.

CHAPTER XXXIII.

A BY-LAW to establish a Road through part of Eldon and Fenelon.

CHAPTER XXXIV.

A BY-LAW to establish a Road and Branch Road from Bobcaygean to Fenelon Falls.

CHAPTER XXXV.

A BY-LAW to establish a Road in the 5th Concession of Emily and annulling a Road in same Concession.

CHAPTER XXXVI.

A BY-LAW to regulate the issue of Assessment Rolls.

CHAPTER XXXVII.

A BY-LAW to establish a Road in Verulam.

CHAPTER XXXVIII.

A BY-LAW to Repeal so much of a By-Law passed during the last Session, entitled "A By-Law to make temporary provision for the support of School Masters and the erection of School Houses and for other purposes therein mentioned," so far as relates to the temporary provision of School Teachers.

CHAPTER XXXIX.

A BY-LAW to authorize an Assessment for Repairing and Furnishing with Necessaries the School House in the Seventh Division of the Township of Emily.

All passed on the 15th August 1842.

PASSED THE THIRD SESSION—FOURTH YEAR.

CHAPTER XL:

A BY-LAW establishing an uniform mode of application for the alteration, laying out or amending, the site of any new or existing Road or Bridge and prescribe the Duties of Surveyors of Roads relating thereto.

WHEREAS it is necessary and expedient that an uniform method should be adopted for the laying out, altering, or amending the site of any new or existing Road or Bridge and prescribe the duties of Surveyors of Roads relating thereto, and that the same should be condensed into one By-Law.

I. Be it therefore enacted by the District Council of the District of Colborne, that all By-Laws heretofore passed by this Council relating to the mode of laying out, altering or amending any new or existing Road or Bridge or the Duties of Surveyors of Roads be and the same are hereby repealed.

II. And be it further enacted that Surveyors of Highways before entering upon their duty shall take and subscribe the oath of office, pointed out by the second section of the Provincial Statute, 50th Geo. 3d. chap. 1, and deposite the same in the Office of the District Clerk, and after being sworn in this manner they may continue to discharge their duty from year to year during their continuance in Office.

III. And be it further enacted that from and after the passing of this By-Law, that before any application for amending or opening any Road in this District, it shall be necessary that a requisition shall first be made to the Surveyor of Highways in and for this District by at least twelve Inhabitant Freeholders or Householders residing in the neighborhood of such intended Road or Bridge and report thereon to the Council, and that it

shall be the duty of the Surveyor to put up a notice of his intention to recommend the passing of the Road and mention the Lot through which it runs and the direction generally, in three of the most public places in the neighborhood of the Road or Bridge so applied for at least Twelve days previous to the next meeting of the Council requiring all persons having objections to the said intended Road or Bridge to notify him that they intend to oppose the same at the next quarterly meeting of the Council.

IV. And be it further enacted that no Surveyor of Highways shall receive any allowance for attending the Council unless his report shall be made at the opening of the Council nor unless his conduct shall be conformable to Law nor unless his Report shall be made in the form following (that is to say:)—

*District of Colborne, } To the Municipal Council of
the said District in Council
assembled.*

to wit:

I. A. B. Surveyor of Highways in and for the County of Peterboro, in the said District beg leave to Report that an application in writing hath been made to me by Twelve Freeholders or Householdors of the said County bearing date the — day of — in the year 18—, stating as follows: (here insert the Application verbatim with the names of the signatures to the number of twelve or upwards,) I proceeded to examine the same, which I have surveyed and laid out as follows—that is to say: (here insert the description of the road as surveyed) and I have made the said road — feet in width and the marked line is run (here insert on which side of the line the road is laid) I have further to state that I gave due public notice of this survey according to Law

Dated at — this — day of — in the year of our Lord 18—.

(Signed) A. B. Surveyor of Highways:

V. And be it further enacted that every Surveyor of Highways shall carefully enter in his Report the requisition of the Freeholders verbatim, and act strictly according to it in making his Report, and shall see that it is in conformity with the Statute, according to the words of which " (the requisition is to be stated that any public highway or road in the neighborhood of the said Freeholders or Householdors now in use, is inconvenient and may be altered so as better to accommodate Her Majesty's subjects and others, travelling thereon, or that it is necessary to open a new Highway or Road.)" That every such Surveyor shall lay down in the blank space left for that purpose, an accurate description of the new Road intended to be laid out, or of the proposed alteration of the old Road, giving the length and courses as correctly as possible and stating how the Road is marked out.

VI. And be it further enacted that every Report or Diagram showing the site of the Road applied for as well as any Road in the vicinity whether running parallel or otherwise and shall be personally presented to the Council by the Surveyor making any such Survey which shall be referred to the Committee on Roads with power to confirm, annul or modify the Report, after enquiring into the necessity of establishing any such Road or not, and to make such Report thereon to the Council as the said Committee may conceive proper, and in case any opposition shall be made to any such survey, it shall be the duty of the party making such opposition to shew before the said Committee that six days notice of such opposition has been given before the sitting of the Council to the Surveyor who shall notify the applicants of such opposition, so that they may be prepared to sustain their application for the establishment of such Road.

VII. And be it further enacted that no Road hereafter to be laid out shall be more than sixty six feet nor less than forty feet in width, and on the alteration of any

Road the new one shall not be laid out of a less width than the old one.

VIII. And be it further enacted that in all cases in which claims are made for compensation for land taken for Roads established by this Council the applicants for such compensation shall appear on the first day of the Session next, after the establishment of such Road or Roads to support their claim on its being reported by the Surveyor of Highways according to Law, and in order that the Council may know who are the parties to support any Road so confirmed, the Surveyors are required in their Reports when copying the application for the alteration of an old Road or laying out of a new one to enter the names of the applicants therein and to give said applicants notice that compensation is claimed, so that they may also attend on the first day of the sitting of the Council next after the notice of such claim given to the Surveyor of Highways.

IX. And be it further enacted that all claims for compensation for lands taken for Roads established by the Council, shall when lawfully reported by the Surveyor of Highways be referred to the Committee on Roads, who after investigating the same shall report to the Council what sum, if any shall be allowed to the claimant and whether the Road is of a public or private nature and in case it shall be found of a private nature, no order shall issue to open the same until the amount if any, awarded by the said Committee after such compensation shall be paid by the said applicants, but in case they shall find that the Road so established is of a public nature, then the amount fixed on for such compensation shall be paid out of the funds of the District, and it shall be the duty of the Treasurer and he is hereby required to pay the same on the certificate of the District Clerk.

X. And be it further enacted, that all such useless Roads, heretofore established, which have been gratuitously given, or taken without having been paid for, shall

on application, be released to the present owner or owners of the Land through which such Road may pass.

XI. And be it further enacted that all such Roads as have heretofore passed through the lands of individuals, and which shall hereafter be decided by the Council of the District to have become useless, and for which the original owner or owners of the land have been paid shall be sold for the said District.

XII. And be it further enacted that when any Road or Roads shall be surveyed under the authority of this By-Law and not confirmed by the Council or by them considered of such a private nature or accommodation, then and in such case the expense of such survey shall be paid by the party or parties applying for the same.

XIII. And be it further enacted that the amount of Salary or Wages to be allowed to the Road Surveyors of this District be seven shillings and six pence per day, for every day they are employed in pursuance of this By-Law.

XIV. And be it further enacted, that with respect to the sale of land through which any old Road may have passed and other duties of Surveyors of Highways not repugnant to this By-Law reference must be had to the Provincial Statutes 50th Geo. 3d, chap. 1. and 4th Geo. 4th Chap. 10.

XV. And be it further enacted, that the following Forms shall be used in all Surveys and Claims for compensation for Land taken for Roads.

NOTICE OF OPPOSITION TO SURVEY.

To Mr. _____, Surveyor of Highways in and for the County of Peterboro.

Take Notice that I oppose the Survey of the Road made by you over my land, being Lot (as the case may be) No. — in the _____ Concession of _____, and that I shall appear before the District Council at its next meeting for that purpose. Dated the _____ day of _____ 18—.

NOTICE TO APPLICANTS OF OPPOSITION TO SURVEY.

To ———

Take notice ———, has this day given me notice that he (or they as the case may be) intend to oppose the Survey of the Road made on your application over his (or their land as the case may be) being Lot (or part of Lot as case may be) No. — in the — Concession of — and that he (or they) will appear before the District Council at its next meeting for that purpose.

Dated the — day of — 184—.

(Signed) ———.

Surveyor of Highways for the County of Peterboro.

NOTICE OF COMPENSATION CLAIMED.

To ———

Mr. ———, Surveyor of Highways for the County of Peterboro.

Take notice that I shall apply to the next District Council for compensation for the Road laid out by you over my land being Lot (as the case may be) — No. — in the — Concession of —, and that I claim the sum of £—— for the land taken for the said Road of which you are required to give notice to the applicants and report this my claim to the said Council at its said meeting.

Dated the — day of — 18—.

NOTICE TO BE GIVEN TO APPLICANTS OF CLAIMS FOR COMPENSATION.

To ———

Take notice that ——— has this day given me notice that he intends to apply to the next District Council for compensation for the Road laid out by me over his land, being Lot — (as the case may be) No.

— in the — Concession of — a copy of which
notice is hereunto annexed.

Dated the — day of — 184—.

(Signed)

Surveyor of Highways for the County of Peterboro.

REPORT TO THE COUNCIL OF CLAIM FOR COMPENSATION.

To the Municipal Council of the District of Colborne
in Council assembled.

I — Surveyor of Highways in and for the
County of Peterboro, beg leave to report that —
claims the sum of £— for the land taken for the Road
Surveyed by me on Lot — (as the case may be) No.
— in the — Concession of — which was re-
ported and confirmed at the last meeting of the Council,
Copies of the Notices of Compensation claimed, given
to me by the said — and of mine to the ap-
plicants are hereunto annexed.

Dated the — day of — 184—.

(Signed)

Surveyor of Highways for the County of Peterboro.
G. ARUNDEL HILL, *Warden.*

CHAPTER XLII.

*A BY-LAW to make provision for levying rates and
Assessments on Lands and other rateable property
throughout the District of Colborne.*

Be it therefore enacted by the Municipal Council of
the District of Colborne in Council assembled.

I. That for the purpose of raising a sufficient sum of
money to meet the expenses of this District the sum of
one penny per acre be assessed and levied on all Land
within the said District in lieu of the taxes heretofore
imposed by Law.

II. That for the like purpose (in lieu of the present rate of assessment imposed by Law the sum of two pence in the pound, be assessed and levied on all rateable property (except Land) in this District according to the rates now established by Law.

III. That the said rates be levied and collected by the Collectors of the Townships and paid over to the Treasurer of the District as is by Law provided.

IV. That for the purpose of improving the Roads and Bridges and liquidating the Debt of the District, there be raised and levied on all lands unoccupied and not included in the assessment roll in lieu of the present wild Land tax the sum of one penny per acre, which said sum of one penny per acre, with any increased rate as is hereafter provided, shall be equally proportioned towards the erection, maintaining or keeping in repair any new or existing Road or Bridge in the Township in which such sum has been raised and the liquidation of the said Debt of the District.

V. That when the Rates and Assessments upon any piece or parcel of Land shall be suffered to remain in arrear and unpaid for the space of two years, the Rate and Assessment shall be increased to One Penny Half-Penny per acre for each and every year the said Rate and Assessment shall remain unpaid.

VI. That the Rates and Assessments hereinbefore directed, be levied in the manner now prescribed by Law.

VII. That the sum to be raised in any one year during the continuance of this By-Law shall be limited to £4,000 and that in case the said Rates Assessed within the District, shall in any year exceed the sum of £4,000, then and in such case the said Rates shall be apportioned and Assessed equally upon all the said property and reduced accordingly.

VIII. That this By-Law shall commence and take effect on and from the first day of January 1848.

G. ARUNDEL HILL, Warden.

CHAPTER XLII.

A BY-LAW establishing certain New Lines of Road in the District of Colborne.

Be it enacted by the Authority of the Municipal Council of the District of Colborne that a Public Highway or Road be established in the Township of Dummer in the District aforesaid, according to and following the hereinafter mentioned course, that is to say, commencing on the Road leading to the Warsaw Mill, through Lots numbers Eleven and Twelve in the First Concession of Dummer aforesaid, in the limits between Lots numbers Eleven and Twelve aforesaid, then North seventy-five and a half degrees East, twenty-five chains more or less along the said limits to the Second Concession Line, thence through the Second Concession on the limits between Lots Eleven and Twelve aforesaid, to the centre of the said Concession, then South sixty-four degrees East nine chains, then South seventy-seven degrees East two chains fifty links, then South seventy-four degrees East three chains fifty links more or less to the limits between Lots Ten and Eleven, then Eastwardly on said limits twenty-three chains fifty links more or less to the Third Concession Line, then commencing again on the Road in front of the Third Concession, at a point distant seven chains thirty links Northerly, from the Southwest angle of Lot number Eleven in the Third Concession aforesaid, then North fifty-eight degrees East seven chains thirteen links, then North sixty-two degrees East nineteen chains, then North seventy-six degrees East four chains ten links, then North sixty-one degree and a half East six chains, then North fifty-two and a half degrees East two chains and seventy links, then North seventy-five and a half degrees East three chains, then North eighty-eight and a half degrees East six chains and fifty links, then South fifty-seven degrees East three chains thirty-five links, then South eighty-

four degrees East two chains and fifty links, then North seventy-two degrees East three chains sixty links, then North sixty-five degrees East five chains more or less to the line in front of the Fourth Concession coming out at the centre of Lot number Eleven, the above courses being according to the present magnetic bearings, the Road to be forty feet in width and the described posted and marked line to be the centre.

And be it further enacted by the Authority aforesaid that a Public Highway or Road be established in the Township of Monaghan, in the District aforesaid, according to and following the hereinafter mentioned course that is to say, commencing in front of the Eleventh Concession of the said Township of Monaghan, then running Northerly between Lots numbers Seven and Eight in the said Concession to the Road in rear of the said Concession, the Road to be forty feet in width and to be all taken off Lot number Seven, the line dividing Lots Seven and Eight, being the Easterly limit of the Road.

And be it further enacted by the Authority aforesaid that a Public Highway or Road be established in the Township of Emily, in the District aforesaid, according to and following the hereinafter mentioned course, that is to say, commencing on the Road in front of the Third Concession of Emily aforesaid at a point distant three chains and thirty links from the South West angle of Lot number Fifteen on course of North seventy-four degrees East, then North seventy-three degrees West four chains, then South eighty-three and a half degrees West four chains, then South sixty-six degrees West nine chains twenty-five links, then South forty-seven degrees West two chains fifty-six links more or less to the Road in front of the said Third Concession, the Road to be sixty-six feet wide and the marked and described line to be the North side of the Road.

And be it further enacted by the Authority aforesaid, that a Public Highway or Road be established in the

Township of Verulam, in the District aforesaid, according to and following the hereinafter mentioned course, that is to say, commencing on the allowance for Road between the Fifth and Sixth Concession at a point distant four chains thirty-three links Northerly from the South West angle of Lot number Eleven in the Sixth Concession of Verulam aforesaid, then North seventy-five degrees forty-five minutes East thirty-two chains forty-five links, then South thirty-two degrees East five chains ninety-five links, more or less to the allowance for Road between Lots numbers Ten and Eleven, the above courses in the last mentioned Road being according to the present magnetic bearing, the Road to be sixty-six feet wide and the posted and marked and described line the centre.

And be it further enacted by the authority aforesaid that the Pathmasters or Overseers of Highways of the Division or Divisions in which the said Roads or any part of them are situated, shall apply the Statute Labor, along the said line of Road to the Opening and Repairing of the same, and also that from and after the passing of this By-Law the said mentioned Roads and each and every of them shall be Public Highways.

G. ARUNDEL HILL, Warden.

CHAPTER XLIII.

A BY-LAW to amend the By-Laws relating to Schools and for other purposes herein mentioned.

WHEREAS it is necessary and expedient to amend certain By-Laws relating to Schools;

1. Be it therefore enacted by the Authority of the Municipal Council of the Colborne District, that the East half of Lot number Twenty, in the Third Concession, and Lots number Eighteen, Nineteen and Twenty,

in the Fourth Concession of the Township of Asphodel, be attached to the First Division of Dummer, and

2. Be it further enacted, that the sum of Seventeen Pounds be raised, by Assessment on Division number Five of the Township of Dummer, for the erection of a School House, and

3. Be it further enacted that no School Commissioners be allowed to take any contract for the erection of School Houses in the Townships in which they act, and

4. Be it further enacted, that the assessment for any School House may be collected in money or otherwise, that a Receipt signed by a majority of School Commissioners, of whom the Chairman must be one, shall be a sufficient warrant for him to the Treasurer, and that the Receipt shall be in the following form :

Name of Township. Date,

Received from A. B., the sum of _____ pounds
 _____ shillings and _____ pence on account of his assessment to No. _____ School Division.
 _____ Chairman School Committee,
 _____ School Commissioner,
 _____ School Commissioner.

Provided always that nothing in this clause contained shall be construed to prevent a subsequent survey of the work being made according to Law, and

5. Be it further enacted that the inhabitants of Division number Seven, in the Township of Otonabee be Assessed at the Rate of Thirty-Two Pounds for the purpose of Building and Erecting a School House in the said Division, and

6. Be it further enacted that so much of a By-Law as relates to the Divisions in the Township of Ennismore be repealed and that the whole Township be comprised in One Division and that also so much of a By-Law as relates to taxing Division number Two, for a School House be repealed, and that instead thereof the whole of number One be taxed for that purpose, excepting that part belonging to a School Division in Emily, and

7. Be it further enacted that a Receipt signed by a School Teacher in any Division shall be considered, by the Collector a legal tender in defrayment of the amount of his monthly tax of One Shilling and Three Pence for each Scholar and be a sufficient warrant for the Treasurer which receipt shall be in the following form:

Name of the Township and number of the £—, —,
—, Currency, School Division, Date.

Received of A. B. the sum of ——— pounds ———
shillings ——— pence on account of the monthly tax
of One Shilling and Three Pence for each Scholar in
the Division for the present year.

Signed ——— School Teacher.

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